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 3
                  UNITED STATES DISTRICT COURT
                     DISTRICT OF MASSACHUSETTS
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                                   C.A. NO. 04CV11557
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 6
 7
     JOSEPH BOOK,
 8
           Plaintiff
 9
     VS.
10
     DEPARTMENT OF STATE POLICE,
11
     COMMONWEALTH OF MASSACHUSETTS,
     STATE TROOPER KURT M. FERRAZZANI,
     STATE TROOPER SMITH, STATE
12
     TROOPER MCKENZIE, AND STATE
13
     TROOPER HENNIGAN,
14
           Defendants
15
16
           Deposition of KURT M. FERRAZZANI, a witness
17
     called by counsel for the Plaintiff, pursuant to the
18
     applicable rules, before Lorreen Hollingsworth,
19
     CSR/RPR, CSR NO. 114793, and Notary Public in and for
20
21
     the Commonwealth of Massachusetts, at the Offices of
22
     Hinckley, Allen & Snyder, 28 State Street, Boston,
23
     Massachusetts, on Friday, September 15, 2006, at
24
     10:35 a.m.
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		Page 210			Page 212
1	Α	Yes.	1	Q	Okay. How far ahead was the how far in
2	Q	Anything else?	2		front of Mr. Book's car was the motorcycle
3	Α	All the witnesses.	3		when it came to a stop?
4	Q	Which witness?	4	Α	The motorcycle was underneath the car when
5	Α	All of them.	5		it came to a stop.
6	Q	Anything else?	6	Q	Before the accident, how far in front of
7	Ā	No.	7	_	Mr. Book's car was the motorcycle?
8	Q	And what was Mr. Book doing to endanger	8	Α	I don't know. I wasn't at the scene before
9		when he was operating?	9		the accident.
10	Α	He was pushing a motorcycle, driving over	10	Q	Is that a relevant consideration?
11		somebody. That's endanger in my	11	Ă	I can't answer if I wasn't there.
12		that's endangering.	12	Q	Do you know what happened before Mr. Book's
13	Q	Did the motorcycle cut in front of	13	•	car came in contact with the motorcycle?
14	•	Mr. Book?	14	Α	From witness statements.
15	Α	No.	15	Q	Can you tell me in your own words before
16	Q	And what do you base that statement on?	16	•	there was any contact between Mr. Rizzuti's
17	Ā	All the witnesses. I did not have a	17		car (sic) and Mr. Book's car what happened?
18		witness that told me, These motorcycles	18	Α	Don't know.
19		came up on the side of him and cut him off.	19	Q	Did you ask Mr. Brook where the motorcycles
20	Q	Did you ask that question of any witness?	20	•	were before the first contact was made?
21	Ã	No one said that, no.	21	Α	Yes.
22	Q	Did you ask that question of any witness?	22	Q	And what did he say?
23	Ã	No, I just asked them what happened.	23	Ā	He didn't know. He doesn't even know how
24	Q	Following too close. What facts did you	24	-	the accident occurred.
	•	,			
<u> </u>					
		Page 211			Page 213
1		Page 211 rely on?	1	Q	Page 213 Can you state with any certainty, as you
2	A	rely on? Well, Mr. Book had a motorcycle underneath	-2	Q	_
	A	rely on?		Q	Can you state with any certainty, as you
2	A	rely on? Well, Mr. Book had a motorcycle underneath	-2	Q A	Can you state with any certainty, as you sit here today, that the motorcycles were
3	A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was	2 3		Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic?
2 3 4	A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close.	2 3 4	A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes.
2 3 4 5	A Q	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too	2 3 4 5	A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what?
2 3 4 5 6		rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close.	2 3 4 5 6	A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements.
2 3 4 5 6 7	Q	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts?	2 3 4 5 6 7	A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he
2 3 4 5 6 7 8	Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping.	2 3 4 5 6 7 8	A Q A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No.
2 3 4 5 6 7 8 9 10	Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other	2 3 4 5 6 7 8 9	A Q A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he
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2 3 4 5 6 7 8 9 10	Q A Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No.	2 3 4 5 6 7 8 9 10	A Q A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following
2 3 4 5 6 7 8 9 10 11	Q A Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was	2 3 4 5 6 7 8 9 10 11 12	A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping?
2 3 4 5 6 7 8 9 10 11 12 13	Q A Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the	2 3 4 5 6 7 8 9 10 11 12 13	A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening.
2 3 4 5 6 7 8 9 10 11 12 13 14	Q A Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too	2 3 4 5 6 7 8 9 10 11 12 13 14	A Q A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes.
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2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	Q A Q A Q A Q	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17	A Q A Q A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	Q A Q A Q A Q A	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts? Yes.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18	A Q A Q A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house? No.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	QAQ AQ AQAQ	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts? Yes. What facts?	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19	A Q A Q A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house? No. Who did that?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	QAQ AQ AQAQ	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts? Yes. What facts? If he stopped in time, he wouldn't have hit	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20	A Q A Q A Q A Q A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house? No. Who did that? I believe it was Trooper McKenzie.
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	QAQ AQ AQAQA	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts? Yes. What facts? If he stopped in time, he wouldn't have hit the vehicle.	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21	A Q A Q A Q A Q A Q A Q A Q	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house? No. Who did that? I believe it was Trooper McKenzie. Then you drove back to his house?
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	QAQ AQ AQAQA	rely on? Well, Mr. Book had a motorcycle underneath the front of his car. I assume that he was a little close to it. He was underneath the front end of his vehicle, so that's too close. Any other facts? Care in stopping. I'm sorry, following too closely, any other facts that you relied on? No. Based on the fact that Mr. Rizzuti was pinned under the car, you reached the assumption that Mr. Book was following too close behind him? That's correct. Care in stopping any facts? Yes. What facts? If he stopped in time, he wouldn't have hit the vehicle. Okay. At what point should he have	2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22	A Q A Q A Q A Q A Q A	Can you state with any certainty, as you sit here today, that the motorcycles were not swerving in and out of traffic? Yes. Based on what? The witness statements. Anything else? No. When did you first tell Mr. Book that he was going to be charged with the three offenses: Operating to endanger, following too close, and care in stopping? When I went to his house that evening. That evening? Yes. So were you the one who dropped Mr. Book off at his house? No. Who did that? I believe it was Trooper McKenzie. Then you drove back to his house? I did.